

REMARKS

Claim 1-98 are pending, with claims 68-98 being withdrawn from examination. Claim 67 stands rejected under 35 USC §112, second paragraph as not being sufficiently definite. Claims 50-67 stand rejected under 35 USC §103(a) as being unpatentable over US patent application publication No. 2003/0172034 (hereinafter Schneck) in view of US patent application publication No. 2002/0169725 (hereinafter Eng). Applicants respectfully requests reconsideration of the rejections in light of the foregoing amendment and the following remarks and further requests allowance of all claims.

Claims 51 and 68-98 are presently cancelled. Claims 1-49 were previously cancelled.

The Applicant confirms the election of invention I. Withdrawn claims 68-98 have been cancelled herein.

Claim 67 was amended to correct the informality noted in the Office Communication. Accordingly, the §112, second paragraph rejection should be withdrawn.

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

Claim 50 is directed to a system for the graduated, usage-equivalent licensing of multifunctional and/or expandable software products. As amended, claim 50 in part recites an integration platform to integrate selected ones of a plurality of software products purveyed by a licensor to a systems integrator through the system. See line 17 *et. seq.* of paragraph 0003 of US patent application publication of the present invention (hereinafter USPAP). See also paragraph 0013 of USPAP. The integration platform is arranged by the systems integrator to control an automated production process. See paragraph 0042 of USPAP. The integration platform comprises an adaptor base, wherein the adaptor base is adaptable by the systems integrator to create respective application-specific adaptors. See paragraph 0019 of USPAP. A control solution provided by the systems integrator to an end user of the automated production process comprises at least one of the following: a first group of software products as integrated by the

systems integrator in the integration platform without application-specific adaptors, and a second group of software products as integrated by the systems integrator and further including application-specific adaptors. See paragraphs 0017, 0019 and 0042 of USPAP. The control solution is purveyed by the systems integrator to the end user through said system, wherein the control solution can be expanded by the systems integrator to include additional software products and/or application-specific adaptors based on new functionality provided by the additional software products and/or application-specific adaptors. See paragraph 0020 of USPAP.

. . . . A license fee is based on the following: a volume of data managed by the integration platform in connection with the automated production process, the software products integrated in the integration platform and a number of application-specific adaptors used for providing the control solution to the automated production process. See paragraph 0018 of USPAP.

It is respectfully submitted that the combination of Schneck and Eng fails to describe or suggest each of the structural and/or operational relationships of the claimed invention. For example, it is respectfully submitted that such a combination fails to describe or suggest “an integration platform to integrate selected ones of a plurality of software products purveyed by a licensor to a systems integrator through the system, the integration platform being arranged by the systems integrator to control an automated production process”. Additionally, such a combination fails to describe or suggest “wherein a control solution provided by the systems integrator to an end user of the automated production process comprises at least one of the following: a first group of software products as integrated by the systems integrator in the integration platform without application-specific adaptors, and a second group of software products as integrated by the systems integrator and further including application-specific adaptors, wherein the control solution is purveyed by the systems integrator to the end user through said system”. Moreover, such a combination fails to describe or suggest “wherein a license fee is based on the following: a volume of data managed by the integration platform in connection with the automated production process, the software products integrated in the integration platform and a number of application-specific adaptors used for providing the control solution to the automated production process”. Accordingly, the combination of Schneck and Eng fails to constitute *a prima facie* reference for appropriately sustaining a §103 rejection of the claimed invention. Therefore, this basis of rejection should be withdrawn.

Conclusion

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: April 20, 2009

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